

E-FILED 07-06-2010

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MEDIMMUNE, LLC,

No. C08-05590 JF (HRL)

Plaintiff,

**INTERIM ORDER RE DEFENDANT'S
MOTION TO SEAL**

v.

PDL BIOPHARMA, INC.,

[Re: Docket No. 560]


Defendant.

Defendant PDL Biopharma, Inc. (PDL) moves to seal portions of (1) PDL's motion to compel discovery (Docket No. 563), (2) the supporting declaration of Raymond LaMagna, and (3) Exhibits A, D, and I-L of the LaMagna Declaration (Docket No. 565). This court notes that Exhibit A, which both sides claim to be confidential, is subject to prior sealing orders. Nevertheless, as to the vast majority of the exhibits submitted for sealing, PDL says that sealing is warranted because the subject information has been designated for "Attorneys Eyes Only" by MedImmune. MedImmune, however, has not filed declaration(s) establishing that the information is sealable. Moreover, there is a suggestion in the papers before this court that at least some of the information submitted for sealing may be matters of public record. Although the information is now subject to being made part of the court's public record pursuant to Civil Local Rule 79-5(d), MedImmune will be given an additional opportunity to explain why sealing is required.

1 Accordingly, **no later than July 9, 2010**, MedImmune shall file declaration(s) from
2 appropriate person(s) establishing that the subject documents (or portions thereof) are
3 privileged or protectable as a trade secret or otherwise entitled to protection under the law. CIV.
4 L. R. 79-5(a).

5 SO ORDERED.

6 Dated: July 6, 2010

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9 HOWARD R. LLOYD
10 UNITED STATES MAGISTRATE JUDGE
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1 5:08-cv-05590-JF Notice has been electronically mailed to:

2 Aaron P. Maurer amaurer@wc.com

3 Aaron Y Huang aaron.huang@weil.com

4 Dana Johannes Finberg DANA.FINBERG@LECLAIRRYAN.COM

5 David Isaac Berl dberl@wc.com

6 David Isaac Gindler DGindler@Irell.com, dlieberman@irell.com

7 Gerson Avery Zweifach gzweifach@wc.com

8 Gregory Hull greg.hull@weil.com, rebecca.kraus@weil.com

9 Jason George Sheasby , ESQ JSheasby@Irell.com, ewong@irell.com, mdonovan@irell.com

10 Jeffrey E. Faucette jfaucette@tcolaw.com, cdunbar@tcolaw.com, cwoodrich@tcolaw.com,
11 mcianfrani@tcolaw.com

12 Jessamyn Sheli Berniker jberniker@wc.com

13 Matthew Kevin Wisinski matthew.wisinski@leclairryan.com, karen.greer@leclairryan.com

14 Paul B. Gaffney pgaffney@wc.com

15 Raymond Angelo LaMagna rlamagna@irell.com

16 T. Ray Guy ray.guy@weil.com

17 Vernon Michael Winters vern.winters@weil.com, nettie.asiasi@weil.com

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